

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

HARVEY A. KALAN, M.D., INC.,
HARVEY KALAN, DEBORAH KALAN,
Plaintiffs,

v.

THE LINCOLN NATIONAL LIFE
INSURANCE COMPANY and
JEFFERSON-PILOT LIFE INSURANCE
COMPANY,
Defendants.

CIVIL ACTION

NO. 14-5216

ORDER

AND NOW, this 12th day of August, 2022, upon consideration of Plaintiffs' Motion for Partial Summary Judgment (ECF No. 128), Defendants' Cross-Motion for Summary Judgment and Opposition to Plaintiffs' Motion (ECF Nos. 132, 136), Plaintiffs' Brief in Opposition to Defendants' Motion and in Support of its Motion (ECF No. 137-39), Defendants' Reply Brief in Further Support of its Motion (ECF No. 142), and the Parties' Joint Appendix in support of their Motions (ECF No. 145), **IT IS HEREBY ORDERED** as follows:

1. Defendants' Motion is **GRANTED** as to: (1) Plaintiffs' ERISA Claims under 29 U.S.C. § 1132(a)(3); (2) Plaintiffs' RICO Claims under 18 U.S.C. § 1962(c) and 18 U.S.C. § 1962(d), which claims are **HEREBY DISMISSED**.
2. The Parties' Motions are **DENIED** in all other respects.

BY THE COURT:

/s/Wendy Beetlestone, J.

WENDY BEETLESTONE, J.